

JEFFREY SEVIER

NAME

C -28367

PRISON NUMBER

SAN QUENTIN STATE PRISON

CURRENT ADDRESS OR PLACE OF CONFINEMENT

SAN QUENTIN, CA. 94974
CITY, STATE, ZIP CODE

2254	<input checked="" type="checkbox"/>	1983
FILING FEE PAID		
Yes	<input checked="" type="checkbox"/>	No
HYP MOTION FILED		
Yes	<input checked="" type="checkbox"/>	No
COPIES SENT TO		
Court	<input checked="" type="checkbox"/>	ProSe

FILED

2008 JAN 17 PM 3:30
ORIGINAL
CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY RM DEPUTY

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

JEFFREY SEVIER

(FULL NAME OF PETITIONER)

PETITIONER

v.

ROBERT L. AYERS, WARDEN

(NAME OF WARDEN, SUPERINTENDENT, JAILOR, OR AUTHORIZED
PERSON HAVING CUSTODY OF PETITIONER [E.G., DIRECTOR OF THE
CALIFORNIA DEPARTMENT OF CORRECTIONS])

RESPONDENT

and

N/A

The Attorney General of the State of
California, Additional Respondent.

Civil No. **'08 CV 0101 DMS JMA**

(TO BE FILLED IN BY CLERK OF U.S. DISTRICT COURT)

PETITION FOR WRIT OF HABEAS CORPUS

UNDER 28 U.S.C. § 2254
BY A PERSON IN STATE CUSTODY

1. Name and location of the court that entered the judgment of conviction under attack:

SUPERIOR COURT OF SAN DIEGO COUNTY

2. Date of judgment of conviction: APRIL 13, 1998

3. Trial court case number of the judgment of conviction being challenged:

SCN066402

4. Length of sentence: 43 YEARS TO LIFE

5. Sentence start date and projected release date: April 13, 1998-2037
6. Offense(s) for which you were convicted or pleaded guilty (all counts):
CT. 1-Robbery w/use Deadly Weapon; CT.2-Assault w/Deadly Weapon; CT.3-Petty Theft w/Prior; And 4 prior prison Term Allegations
7. What was your plea? (CHECK ONE)
- (a) Not guilty ☐
- (b) Guilty ☐
- (c) Nolo contendere ☒
8. If you pleaded not guilty, what kind of trial did you have? (CHECK ONE)
- (a) Jury ☐ * I didn't have a trial I plead nolo contendere.
- (b) Judge only ☐
9. Did you testify at the trial?
- * ☒ Yes ☐ No *-I plead to the charges.

DIRECT APPEAL

10. Did you appeal from the judgment of conviction in the **California Court of Appeal**?
☒ Yes ☐ No
11. If you appealed in the **California Court of Appeal**, answer the following:
- (a) Result: Conviction Affirmed
- (b) Date of result (if known): March 10, 1999
- (c) Case number and citation (if known): D031203
- (d) Names of Judges participating in case (if known):
- (e) Grounds raised on direct appeal: TRIAL COURT FAILED TO CONSIDER PROPER FACTORS IN DENYING APPELLANT'S MOTION STRIKE ONE OR MORE SERIOUS FELONY PRIORS; 43 YEARS TO LIFE IS CRUEL AND UNUSUAL PUNISHMENT
12. If you sought further direct review of the decision on appeal by the **California Supreme Court** (e.g., a Petition for Review), please answer the following:
- (a) Result: Petition Denied
- (b) Date of result (if known):
- (c) Case number and citation (if known): D031203
- (d) Grounds raised: SAME AS 11(e)

13. If you filed a petition for certiorari in the United States Supreme Court, please answer the following with respect to that petition:

- (a) Result:
- (b) Date of result (if known):
- (c) Case number and citation (if known):
- (d) Grounds raised:

COLLATERAL REVIEW IN STATE COURT

14. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions (e.g., a Petition for Writ of Habeas Corpus) with respect to this judgment in the California Superior Court?

☒ Yes ☐ No

15. If your answer to #14 was "Yes," give the following information:

- (a) California Superior Court Case Number (if known):
- (b) Nature of proceeding: Writ of Error Coram Nobis
- (c) Grounds raised: BY IMPOSING THE 43 YEARS TO LIFE SENTENCE THE COURT EXCEEDED THE AGREED UPON TERM OF 25 YEARS TO LIFE.

(d) Did you receive an evidentiary hearing on your petition, application or motion?

☐ Yes ☒ No

(e) Result: Denied

(f) Date of result (if known): January 11, 2006

16. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions (e.g., a Petition for Writ of Habeas Corpus) with respect to this judgment in the California Court of Appeal?

☒ Yes ☐ No

17. If your answer to #16 was "Yes," give the following information:

- (a) **California Court of Appeal** Case Number (if known):
- (b) Nature of proceeding: Direct Appeal/Coram Vobis
- (c) Names of Judges participating in case (if known)
- (d) Grounds raised: THE TRIAL COURT ERRED IN DENYING APPELLANT'S PETITION FOR WRIT OF CORAM NOBIS AS HE WAS NOT PROPERLY ADVISED AS TO THE MINIMUM SENTENCE HE WOULD RECEIVE PURSUANT TO HIS PLEA AGREEMENT.
- (e) Did you receive an evidentiary hearing on your petition, application or motion?
☐ Yes ☒ No
- (f) Result: Denied
- (g) Date of result (if known): November 8, 2006

18. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions (e.g., a Petition for Writ of Habeas Corpus) with respect to this judgment in the **California Supreme Court**?

☒ Yes ☐ No

19. If your answer to #18 was "Yes," give the following information:

- (a) **California Supreme Court** Case Number (if known):
- (b) Nature of proceeding: Petition For Review
- (c) Grounds raised: Has a criminal defendant been denied substantial rights when the trial court fails to advise him that its denial of his anticipated motion under People v. Superior Court (Romero) (1996) 13 Cal. 4th 496 would result in a mandatory minimum 40 year sentence rather than the standard 25 years to life three strikes sentence because the defendant also admitted in his change of plea three serious prior felony convictions within the meaning of Penal Code § 667(a). In such a case is the defendant entitled to withdraw his plea, be resentenced or seek enforcement of the 25 year to life minimum?
- (d) Did you receive an evidentiary hearing on your petition, application or motion?
☐ Yes ☒ No
- (e) Result: Denied
- (f) Date of result (if known): January 17, 2007

20. If you did **not** file a petition, application or motion (e.g., a Petition for Review or a Petition for Writ of Habeas Corpus) with the California Supreme Court, containing the grounds raised in this federal Petition, explain briefly why you did not:

COLLATERAL REVIEW IN FEDERAL COURT

21. Is this your **first** federal petition for writ of habeas corpus challenging this conviction?
☐ Yes ☒ No (If "YES" SKIP TO #22)
- (a) If no, in what federal court was the prior action filed?
 (i) What was the prior case number? 02-56450
 (ii) Was the prior action (CHECK ONE):
 Denied on the merits? ☒
 Dismissed for procedural reasons? ☐
 (iii) Date of decision:
- (b) Were any of the issues in this current petition also raised in the prior federal petition?
☐ Yes ☒ No
- (c) If the prior case was denied on the merits, has the Ninth Circuit Court of Appeals given you permission to file this second or successive petition?
☐ Yes ☒ No *Not Applicable see Memorandum

CAUTION:

- **Exhaustion of State Court Remedies:** In order to proceed in federal court you must ordinarily first exhaust your state court remedies as to each ground on which you request action by the federal court. This means that even if you have exhausted some grounds by raising them before the California Supreme Court, you must first present **all** other grounds to the California Supreme Court before raising them in your federal Petition.
- **Single Petition:** If you fail to set forth all grounds in this Petition challenging a specific judgment, you may be barred from presenting additional grounds challenging the same judgment at a later date.
- **Factual Specificity:** You must state facts, not conclusions, in support of your grounds. For example, if you are claiming incompetence of counsel you must state facts specifically setting forth what your attorney did or failed to do. A rule of thumb to follow is — state who did exactly what to violate your federal constitutional rights at what time or place.

GROUND FOR RELIEF

22. State *concisely* every ground on which you claim that you are being held in violation of the constitution, law or treaties of the United States. Summarize *briefly* the facts supporting each ground. (e.g. what happened during the state proceedings that you contend resulted in a violation of the constitution, law or treaties of the United States.) If necessary, you may attach pages stating additional grounds and/or facts supporting each ground.

- (a) **GROUND ONE: UNLAWFUL DETENTION OCCURED WHEN STATE COURT FAILED TO PROPERLY APPLY CALIFORNIA CONTRACT LAW**

Supporting FACTS: On February 26, 1998, petitioner withdrew his previously entered pleas of not guilty and pled no contest to the "face" of the amended information charging him with one count of robbery, one count of assault with a deadly weapon and one count of petty theft with a prior. Petitioner also admitted all prior and serious prior felony allegations. (CT-12.)

At the change of plea hearing, the following statement was made by the court:

"When you come back here, I am open to hearing argument, hearing anything you have to say, what Mr. Bowman is going to have to say. Then I'll make my decision because this is a three-strikes case, and you are looking at 25 years to life."

(CT-13.)

The court later noted the offense was very serious and stated:

"I have no idea what I am going to do when you come back. I know what the law allows me to do, and I can consider striking strikes, but I have no promised to do so, and if I do give you 25 years to life, you can't sit here and say 'I've changed my mind. I want to take my plea back.'"

(CT-13.)

*See attached page for continuation of Ground One.

Did you raise GROUND ONE in the California Supreme Court?

☒ Yes ☐ No.

If yes, answer the following:

- (1) Nature of proceeding (i.e., petition for review, habeas petition): Petition For Review.
- (2) Case number or citation:
- (3) Result (attach a copy of the court's opinion or order if available): Denied. See order attached.

22(a) Continued:

The court later noted:

"And now this plea to a new robbery exposes you to what's called '25 years to life'."

(CT-14.)

Again, the court later noted:

"But you need to know under California the maximum you are looking at based on what we're describing here is the 25 years to life and a number of lesser time can be considered depending what I do or don't do. Striking enough priors that would take you out of a three-strikes exposure may still expose you to serving at least 80% of what I ordered you to serve, plus you have the five-year enhancements. This is the kind of exposure I am talking about."

(CT-14.)

On April 13, 1998, petitioner was sentenced to the maximum allowed pursuant to the Amended Information ~~was~~ 43 years to life. ~~See~~ (Petition, Exhibit C (CT-32-33) at pp.22-23.)

In the petition for writ of error coram nobis, evidence was presented to show that the change of plea form did not indicate that petitioner had agreed to consecutive sentencing. See (Petition at pp.1; Brief In Support In Support of Petition at p.2.)

Petitioner's Notice of Appeal was based on the failure of the state court to accord due process and equal protection by abiding by California's Contract Law. See (Notice of Appeal filed February 10, 2006.)

In the Court of Appeal petitioner argued that his petition for writ of error coram nobis was a proper manner in which to attack the plea, in light of the fact the trial court failed to advise him that not only was the potential maximum term under his plea life in prison, but that term also involved imposition of a mandatory, consecutive five-year term for each of the three serious prior felonies petitioner admitted as part of his plea agreement. In other words, nowhere in the colloquies between petitioner and the court or on the change of plea form is reflected an awareness on petitioner's part that the minimum term he must serve was 40 years to life in state prison if the court elected not to strike any of his prior strikes or strike sufficient prior serious felonies to render him other than a third strike defendant. By existing law it appeared that unless the trial court exercised discretion in petitioner's

22(a) Continued:

favor, it was bound under the law to impose an additional, consecutive five year term for each serious prior felony he admitted pursuant to Penal Code § 667(a).

In attacking the conviction by way of coram nobis, petitioner argued that he was at no time advised that the minimum term he would serve would be 40 years to life if the trial court did not strike any of his prior strikes. Further petitioner argued that the trial court's failure to adequately advise as to the mandatory minimum sentence which would have to be imposed denied his right to due process and equal protection under both the United States and California Constitutions.

The Court of Appeal rejected petitioner's arguments, but did acknowledge an arguable factual dispute as to petitioner's asserted variance between the terms of the plea agreement and ultimate sentence. The court also ruled on the merits noting that the signed change of plea form stated that the maximum term he faced in prison was "life" without any reference to a minimum term. (Opinion pp.5-6.)

(b) **GROUND TWO:** Same as stated at 19(c).

Supporting FACTS: Same as stated for Ground One on pages 6,6(a),6(b) and the following: Although technically petitioner is eligible for a term of "Life" under the plea agreement, the mandatory minimum sentence was nonetheless of great importance and should have been explained to petitioner. Under existing law, he is required to serve 80 % of a 25-year minimum under the three strikes law before parole eligibility arises. The additional 15 years for the three prior serious felonies also requires service of 80 % of that term. In other words, petitioner would be required under the present sentence imposed to serve a minimum in prison before parole eligibility. This exceeds by 12 years the time to be served on a standard three strikes sentence.

Petitioner urged in the Court of Appeal, that the instant writ of coram nobis was appropriate as it was based upon errors of fact rather than legal errors.

Did you raise GROUND TWO in the California Supreme Court?

☒ Yes ☐ No.

If yes, answer the following:

- (1) Nature of proceeding (i.e., petition for review, habeas petition): Petition For Review
- (2) Case number or citation: S148125
- (3) Result (attach a copy of the court's opinion or order if available): Denied

(c) **GROUND THREE:**

Supporting FACTS:

Did you raise GROUND THREE in the California Supreme Court?

☐ Yes ☐ No.

If yes, answer the following:

- (1) Nature of proceeding (i.e., petition for review, habeas petition):
- (2) Case number or citation:
- (3) Result (attach a copy of the court's opinion or order if available):

(d) **GROUND FOUR:**

Supporting FACTS:

Did you raise GROUND FOUR in the California Supreme Court?

☐ Yes ☐ No.

If yes, answer the following:

- (1) Nature of proceeding (i.e., petition for review, habeas petition):
- (2) Case number or citation:
- (3) Result (attach a copy of the court's opinion or order if available):

23. Do you have any petition or appeal **now pending** in any court, either state or federal, pertaining to the judgment under attack?

☐ Yes ☒ No

24. If your answer to #23 is "Yes," give the following information:

(a) Name of Court:

(b) Case Number:

(c) Date action filed:

(d) Nature of proceeding:

(e) Name(s) of judges (if known):

(f) Grounds raised:

(g) Did you receive an evidentiary hearing on your petition, application or motion?

☐ Yes ☐ No

25. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein: Michael Washington, Public Defender, 400 Mel-

(a) At preliminary hearing rose Dr. Vista, Ca. 92083

(b) At arraignment and plea Same as above.

(c) At trial Same as above.

(d) At sentencing Same as above.

(e) On appeal Patrick J. Hennessey Jr., 2356 Moore St.
Suite 201, San Diego, CA. 92110

(f) In any post-conviction proceeding. N/A

(g) On appeal from any adverse ruling in a post-conviction proceeding:
Patrick J. Hennessey Jr., 2356 Moore St. Suite 201, San Diego, Ca. 92110

26. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at the same time?

☒ Yes ☐ No

27. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack?

☐ Yes ☒ No

(a) If so, give name and location of court that imposed sentence to be served in the future:

(b) Give date and length of the future sentence:

(c) Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed the sentence to be served in the future?

☐ Yes ☐ No N/A

28. Consent to Magistrate Judge Jurisdiction

In order to insure the just, speedy and inexpensive determination of Section 2254 habeas cases filed in this district, the parties may waive their right to proceed before a district judge and consent to magistrate judge jurisdiction. Upon consent of all the parties under 28 U.S.C. § 636(c) to such jurisdiction, the magistrate judge will conduct all proceedings including the entry of final judgment. The parties are free to withhold consent without adverse substantive consequences.

The Court encourages parties to consent to a magistrate judge as it will likely result in an earlier resolution of this matter. If you request that a district judge be designated to decide dispositive matters, a magistrate judge will nevertheless hear and decide all non-dispositive matters and will hear and issue a recommendation to the district judge as to all dispositive matters.

You may consent to have a magistrate judge conduct any and all further proceedings in this case, including the entry of final judgment, by indicating your consent below.

Choose only one of the following:

☐ Plaintiff consents to magistrate judge jurisdiction as set forth above.

OR

☒ Plaintiff requests that a district judge be designated to decide dispositive matters and trial in this case.

29. Date you are mailing (or handing to a correctional officer) this Petition to this court:

Wherefore, Petitioner prays that the Court grant Petitioner relief to which he may be entitled in this proceeding.

SIGNATURE OF ATTORNEY (IF ANY)

I declare under penalty of perjury that the foregoing is true and correct. Executed on

1-8-08

(DATE)

Jeffrey Souier

SIGNATURE OF PETITIONER

DECLARATION OF SERVICE BY MAIL

I, JEFFREY SEUIER, the undersigned, declare:
Printed Name of Declarant

I am over the age of 18 years, a citizen of the United States of America, and am not a party to the cause within. My residence address is:

CDC No. C-28367 Housing 2-N-83^L
San Quentin State Prison
San Quentin, CA 94974

On 1 - 8, 2008, I served the following document(s):
Month/Day Year

PETITION FOR WRIT HABEAS CORPUS
MEMORANDUM WITH POINTS OF AUTHORITY
IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS

on the parties and at the addresses described below by placing the pleadings in a sealed envelope, with postage fully prepaid, and presented said item(s) to Corrections Department staff for mailing in the United States Mail as per the rules and regulations governing outgoing legal mail at San Quentin State Prison.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
OFFICE OF THE CLERK
880 FRONT STREET SUITE 4290
SAN DIEGO, CALIFORNIA 92101 - 8900

I swear under penalty of perjury that the foregoing is true of my own personal knowledge. Executed on this 8 day of JAN., 2008, at San Quentin, CA, County of Marin.

Jeffrey Sevier
Signature of declarant

JS44

(Rev. 07/89)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September, 1975, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM.)

I (a) PLAINTIFFS

Jeffrey Sevier

2008 JAN 17 PM 3:30

Robert L. Ayers

CLERK OF DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Marin
(EXCEPT IN U.S. PLAINTIFF CASES)

2254 1983
FILING FEE PAID
Yes No
HFP MOTION FILED
Yes No
COPIES SENT TO
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND
Court Poste

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT RM
(IN U.S. PLAINTIFF CASES ONLY) DEPUTY

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Jeffrey Sevier
San Quentin State Prison
San Quentin, CA 94974
C-28367

ATTORNEYS (IF KNOWN)

'08 CV 0101 DMS JMA

II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | PT | DEF | | PT | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY).

28 U.S.C. 2254

V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reappointment
<input type="checkbox"/> Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury-Medical Malpractice	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	PROPERTY RIGHTS	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 450 Commerce/ICC Rates/etc.
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 640 RR & Truck	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 650 Airline Regs	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	PERSONAL PROPERTY	<input type="checkbox"/> 660 Occupational Safety/Health	SOCIAL SECURITY	<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 153 Recovery of Overpayment of Veterans Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 861 HIA (13958)	<input type="checkbox"/> 850 Securities/Commodities Exchange
<input type="checkbox"/> 160 Stockholders Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 385 Property Damage Product Liability	LABOR	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 875 Customer Challenge 12 USC
<input type="checkbox"/> Other Contract	<input type="checkbox"/> 360 Other Personal Injury		<input type="checkbox"/> 710 Fair Labor Standards Act 29 Labor/Mgmt. Relations	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 195 Contract Product Liability		PRISONER PETITIONS	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 892 Economic Stabilization Act
REAL PROPERTY	CIVIL RIGHTS		<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 865 RSI (405(p))	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus	<input type="checkbox"/> 790 Other Labor Litigation	FEDERAL TAX SUITS	<input type="checkbox"/> 894 Energy Allocation Act
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	<input checked="" type="checkbox"/> 530 General	<input type="checkbox"/> 791 Empl. Ret. Inc.	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> Security Act	<input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 240 Tort to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 540 Mandamus & Other			<input type="checkbox"/> 950 Constitutionality of State
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 550 Civil Rights			<input type="checkbox"/> 890 Other Statutory Actions
<input type="checkbox"/> 290 All Other Real Property					

VI. ORIGIN (PLACE AN X IN ONE BOX ONLY)

- ☒ 1 Original Proceeding ☐ 2 Removal from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER f.r.c.p. 23

DEMAND \$

Check YES only if demanded in complaint:

JURY DEMAND: ☐ YES ☐ NO

VIII. RELATED CASE(S) IF ANY (See Instructions): JUDGE

Docket Number

DATE January 17, 2008

SIGNATURE OF ATTORNEY OF RECORD

146550 \$5.00
1/18/08 SM

R. Mullen

**UNITED STATES
DISTRICT COURT**
SOUTHERN DISTRICT OF CALIFORNIA
SAN DIEGO DIVISION

146550 - SH

**January 17, 2008
15:30:13**

Habeas Corpus

USAO #: 08CV0101-DMS

Amount.:

\$5.00 CK

Check#: STCA 187-070683

Total-> \$5.00

FROM: JEFFREY SEVIER